

CRM: CANDID REMARKS BY MURPHY

by

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Tonetti (2006), ostensibly to celebrate the 100th anniversary of the Antiquities Act, has responded to a 2005 (Converse 2005a) editorial in which Robert N. Converse rails against various aspects of what has come to be known as Cultural Resources Management. In the interests of full disclosure, Tonetti acknowledges that he currently works for a major CRM consulting firm and was formerly an employee of the Ohio Historic Preservation Office; similarly, I will admit to having worked as an independent CRM consultant for some 30 years — despite occasional efforts by some competitors and CRM managers to curtail that relatively modest activity — and to having previously worked as a librarian at the Ohio Historical Society. In 1985 Tonetti edited a bibliography of Ohio contract archaeology that I compiled. He is an archaeologist I both know and respect.

Much of Tonetti's essay is devoted to correcting Converse's confusion of the plethora of CRM acronyms and clarifying the actual law, a worthwhile if somewhat belated endeavor; but I think he largely downplays, denies or ignores many of the reasons for Converse's righteous anger and thereby obscures some continuing problems in the world of CRM. Remarkably, Tonetti completely ignores Converse's damning critique of the initial archaeological study of the Plain City Bypass project (Converse 2005b), for which Converse's editorial was essentially an introduction. The evidence Converse presents is unequivocal: this report was a flagrant waste of tax-

payer's money and an example of CRM work at its worst. Nor does Tonetti's point that most CRM work is supported by private funding excuse similar waste in those endeavors. As for confusing acronyms, other than saving space at the expense of clarity, acronyms are most useful as an index of the amount of bureaucracy in a system — the more bureaucracy and red tape, the more acronyms.

The Birth of CRM

The first of Tonetti's points, which he makes much of, is a mere quibble — whether the CRM industry was instituted 30 years ago or 40. The authority he cites (Phillips 2003) states that "in 2001, private-sector CRM is only 29 years old," which would be a birth date of 1972, three years earlier than Converse's estimate of 1975. (It is worth noting that while Converse does not explicitly say so, the thrust of his article is Ohio — not Alaska or California, where limited private-sector archaeology for profit was conducted as early as 1962.) Most of the states for which Phillips obtained data date CRM's beginnings to the early 1970s or later. Somewhat tellingly, no CRM information on Ohio was ever submitted to the ACRA-L survey on which Phillips' article was based.

In Kentucky, CRM work dates to 1972; in Michigan, 1973; in Pennsylvania, 1974. In any case, Phillips' article makes it clear that the CRM industry did not get off the ground in the Midwest until the early to mid-1970s. A graph that Tonetti himself compiled

(Murphy 1987: viii; see also Figure 1) clearly illustrates that in Ohio CRM work did not really begin until 1976 or 1977, although there were a few earlier reports.

The handful of pre-1970 CRM reports included in the 1985 bibliography of Ohio contract archaeology, as well as those included in the National Archaeological Data Base, are nearly all National Park Service or U.S. Army Corps of Engineers projects conducted by the Ohio Historical Society, certainly not considered part of the private sector at the time the work was conducted. (Largely funded by the State of Ohio, The Ohio Historical Society is still not so considered by most citizens of the state although, due to a concerted effort by the Society to prevent unionization of its staff, the Ohio Supreme Court has designated it a private entity.) While most of these early OHS projects were salvage archaeology of certain mounds and village sites, not to coin a phrase, several were archaeological surveys, the methodology of which gave currency to the descriptive albeit pejorative phrase "windshield survey." Perhaps the most typical, if not exemplary, of these is Baby and Frye (1964), who managed to survey 27 federal reservoir or lock and dam projects, many along the Ohio River, but found only nine mounds, a previously recorded Fort Ancient village, one rock-shelter, and a multicomponent surface collection. This included the Caesar Creek Reservoir area, where only four mounds were reported, although Brose and White. (1979) subsequently dismissed one of

these as a natural feature but located at least 17 other sites. The inadequacy of the notorious Licking Reservoir survey, in which at least four burial mounds, not to mention the Locust Site (Seeman 1985) went undocumented, the mounds being destroyed by reservoir construction or later park-related activities, has been documented elsewhere (Brown 1982, Carskadden and Morton 2005). Unquestionably, CRM work, for the most part, has improved considerably since those days, but the legacy of any putative pre-70s "CRM" work performed in Ohio is certainly nothing to brag about. End of quibble.

As Phillips notes, "Much of the current demand for CRM in this country is derived from the National Historic Preservation Act and other federal law, but nothing in that law mandated the emergence of a private industry to provide CRM services." It was not federal law but the law of economics that was responsible for the development of CRM: simply put, ready, if not always easy, money. Insofar as current CRM surveys tend to be more thorough than those described above, this is a good thing, though certainly not without its down side.

While some university and museum anthropologists moonlighted for a while — some for quite a while — the Ohio Historical Society, in a rare moment of self-recognition, decided there might be at least the perception of a conflict of interest in having a contract archaeology department under the same aegis as the State Historic Preservation Office and ended its foray into CRM work around 1986, sending many of its erstwhile archaeological employees into the arms of the Ohio Department of Transportation (ODOT), Archaeological Services Consultants (ASC, founded 1986), and other CRM firms. Although Tonetti believes that private CRM firms "developed to address the need for competition in contract archaeology," my recollection of events is the reverse: contract firms developed because the money was there, and competition naturally if not unavoidably followed, with results that suggest the next topic.

CRM Ethics

Tonetti seems to confound the development of a written code of ethics and standards with the belief that ethical behavior just naturally follows. Quite likely Moses felt the same way about the Ten Commandments at first, but both law-givers are equally mistaken (there is just a bit more readily available evidence for Moses' lapse in judgment). In fact, in at least one instance, early in the history of the Ohio Archaeological Council, CRM competition worked hand in hand with CRM management and under the guise of enforcing standards, forced a quite competent archaeologist out of contract archaeology altogether. More recently, in my own case, in approaching previous employers about future work I was informed that a com-

petitor had taken advantage of my illness to tell employers that I was no longer able to conduct CRM work. In general, while various groups such as the Ohio Archaeological Council have developed standards and ethics statements, they are reluctant to address individual conflicts or clear evidence of misconduct. Rightly so, perhaps, because they choose not to be a policing organization, but it is naive or worse to pretend that unethical and unprofessional behavior, from how shovel tests are excavated to how bidders are selected and reports reviewed, does not exist in the CRM community. Getting CRM contracts and getting the reports through the lead agency and the review and compliance process often requires or at least is expedited by social, political, and economic ploys that have little to do with archaeology.

It is correct that for the most part CRM managers do not directly determine who is awarded a specific archaeological contract, yet there are few contractors who do not pay close attention to even the most frivolous of a manager's "advisory comments" (read "requirements"). As for the role of the State Historic Preservation Office (SHPO) and other CRM management entities being merely "advisory," this may be technically correct; but in practice one must jump through a variety of sometimes arbitrary hoops in order to get a CRM report accepted. A couple of personal favorites of such "idiotsyncracies" come to mind: an Ohio Department of Transportation (ODOT) reviewer complained that a report did not contain any references after 1975, when in fact over half the references in the extensive bibliography were after that date. Another time I was chastised for referencing Moorehead's *Primitive Man in Ohio* because the term "Primitive Man" was politically incorrect! As in any bureaucracy, managers may tend toward the petty, an occupational hazard when the chief purpose and justification of their job is to find fault. A more dramatic example occurred when CRM firms were summoned to a dog and pony show to learn what was new in the review process and were told flatly, "I want to see more hypotheses in Phase I and Phase II reports." A few brave souls tentatively suggested that a simple locational survey and literature review was not the place to indulge in theoretical hypothesis testing and someone even asked for examples (the only one forthcoming was actually a Phase III report); but the vast majority of the audience kept quiet and then presumably ran to their word processors to start developing fanciful "hypotheses" that could be injected into their Phase I/II reports. In short, while SBPO and other CRM managerial agencies may not actually perform the hiring, they have a very strong impact on who is hired, how the data are presented, and especially on who is rehired. Contractors do not enjoy having

to wait while a report is revised, even when they see the inanity of some of the revisions. I still remember the response I got from a SEPO reviewer when I pointed out that they had not commented on the same picayune problem when it occurred in someone else's report: "Well, we can't catch everything."

Publish or Profit

As with the question of the lack of impact of a code of ethics on CRM conduct, simply citing the development of standards for report writing does not adequately address Converse's complaint about the dearth of published CRM data. If exaggeration, the statement that no CRM reports have been published is only slightly so. Of the 1045 contract reports included in our 1985 bibliography, subtracting the 325 reports that found no archaeological properties within the counties that were covered, there was a total of 725 reports produced. Careful analysis of the published literature for this period shows that up through 2006 only 51 (7%) of these reports have ever resulted in publication of any kind. In comparison, taking the period 1975-1985 and not counting popular and news articles, broader or more general articles only briefly referring to Ohio, unpublished theses, and articles simply recycling previously known data, non-CRM workers published approximately 557 articles, in contrast to only 78 CRM-generated publications (approximately 12 percent of the total). See Figure 1. (These data are also biased toward CRM publications as the numerous reports issued by the Cleveland Museum of Natural History are included, although they were never actually published in the usual meaning of the word and do not seem to have been made available to the general public, other than at the Museum's library.)

Unlike academic institutions, where the tenure and promotion "publish or perish" syndrome persists as an integral part of the system, for-profit CRM firms have virtually no vested interest in expending staff time and energy on publication. Put crassly, they are too busy making money and writing the next project proposal to produce research publications. There are exceptions, a few firms realizing that there is a certain cachet in publicizing their results, a sort of conspicuous consumption that informs their competitors that they have the wherewithal to afford independent research and publication. And there are certainly a few individuals in CRM who would be happier in the more research-oriented environment of the museum or even the university. The notion, true enough, that most private entities utilizing CRM firms have no interest in broadcasting what is found on their property or in "public outreach," is or should be largely moot, for CRM firms could easily include in their contracts a provision for publication of

their findings. This is simply an excuse not to trouble themselves with publishing. The suggestion that these reports cannot be published because they were privately funded is simply wrong, or as one long-time CRM worker in a western state observed when presented with Tonetti's statement, "This is nonsense... Any SHPO employee who genuinely believes that the "private industry" owns this information needs legal training on the meaning of public information under the National Records Act."

In the last few years (2000-2006) the Ohio Archaeological Council has begun to post abstracts of meeting papers on their website. Currently there are 71 (2 are repeated) abstracts or research papers available. If the affiliations of the authors are tallied, the results are rather evenly divided between academicians/students (25), museum personnel (22), and CRM workers (26). There are also four by National Park Service representatives, one by an ODOT employee, one simply identified as OAC, and 6 not otherwise classifiable. These meager data scarcely suggest a dominance by CRM particularly when the National Archaeological Database (NADB) lists as many as 584 CRM reports from Ohio for the years 2000-2002 (last available) and the Ohio Historic Preservation Office informs me that there are probably 1000 more reports waiting to be input into the NADB. (Brent Eberhard, pers. comm.) (It should be noted that the lag time in NADB listings is not due to the Ohio Historic Preservation Office).

Nor should it be overlooked that the OAC has been responsible for a series of four edited conference papers, beginning with *The First Discovery of America* and most recently with a thematic issue (Volume 18) of *Ohio Valley Historical Archaeology*. A fifth volume on Early Woodland remains unpublished. Examining the articles in these four volumes, 38 can be considered to be based on CRM work or written by CRM archaeologists; another 38 are by museum personnel, 55 by academicians, and 9 by avocational archaeologists. So, while Tonetti is undoubtedly correct that more money is spent on CRM work today, it seems quite clear that there is no such dominance in the publication of CRM-generated research.

It is also to be noted that Tonetti has a very inclusive definition of research, including basic Phase I locational surveys and literature reviews, a mindset not unlike that of the college freshman who goes to the library, checks out some books and thinks he has conducted research. Put simply, research is not finding the stuff — it is actually what you do with the stuff after you find it and at the minimum includes formal description, analysis and dissemination of the information. Anyone who thinks otherwise should try getting tenure and promotion

at an academic institution on the basis of their Phase I and Phase II CRM surveys.

Bibliographic Access and Control

Librarians deal with bibliographic access and control, a term which is somewhat redundant in that both bibliographic access and bibliographic control are designed to expedite the ability of a person (once called a library patron, now sometimes called a ("client") to obtain information. The important aspect of the term "bibliographic control" is that it means certain aspects of a bibliographic item (e.g., author, subject, title) are "controlled" to provide a uniformity that enhances access. It does not impact *who* may see the material. But bibliographic access can be provided only when the bibliographic items ("pieces" in library jargon) are available in a library collection.

How many CRM reports are available at your local public library or even your local university library? Virtually none. There are several reasons for this. A specific report may not be deemed relevant to the particular library collection. Obviously a small public library in southeastern Ohio is very unlikely to want to add a CRM report from northwestern Ohio — it simply is not relevant to their collection — and even the largest public library lacks the wherewithal to catalog and house copies of all the CRM literature generated in Ohio. But the real reason is indifference on the part of CRM practitioners and managers. Converse's point that reports generated by public funding or federal law are of interest and of importance to the citizens of the immediate area dealt with in the reports and should be made available locally is well taken. In fact, it is in complete accord with the Section 106 process as defined if not as practiced in Ohio. Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process. It stands to reason, therefore, that the public is entitled to have access to any reports generated by the process. The argument that some reports remain "classified" because they were generated by private money is specious, as noted above, and the notion that the reports are not "written for the general public" is egregious. To imply that the public would not understand the reports because they are "technical" is elitist, as is the offensive notion that the reports can be made available only on a "need to know" basis. This is little short of censorship.

Ironically, Tonetti then turns around and opines that "increasing the dissemination of information resulting from CRM archaeology projects to the public" would be an improvement. It certainly would, although I can think of only two such instances of any significance, both as it happens being reports by Gray and Pape. Their 1998 three volume *National*

Road U.S. Route 40 Historic Properties Inventory in Ohio can be borrowed through any library in Ohio via ODOT's library and the State Library of Ohio (SLO), although this availability may be due more to accident than design. Gray and Pape also published a 23 page report on the Harbine Distillery and Millrace in Greene Co. and a copy of this is available at the Greene County Public Library in Xenia. Yet even these reports are not available at any other public library, university library or even in the Ohio Historical Society's library. This aspect of Ohio CRM's "public outreach" remains woefully inadequate and in sharp contrast to other states.

Ohio firms could well emulate Charles Niquette's Cultural Resource Analysts, Inc. (CRAI), which affirms that "research is ultimately conducted for the benefit of the public" and has thus far made nearly 30 reports available for purchase, with abstracts and in some instances full text available on their website (<http://www.crai-ky.com/education/reports/reportsonline.html>). Similarly, the University of Kentucky's Program for Archaeological Research has issued over 400 PAR Technical Reports, the results of CRM surveys, made available at very nominal cost (<http://www.uky.edu/AS/Anthropology/PAR/pubs.htm>).

Intellectual Control

In recent years academic institutions and particularly museums and historical libraries have become increasingly focused less on the bibliographic control of data than on the "intellectual control of materials. Instead of making data readily available, they make data unavailable, except that is, for a fee, or for several fees — membership or admission fees, photography or photocopying fees and publication fees. There is an obvious profit motive at work, even though the bulk of material donated to these institutions was given without a thought that they would be used to make money or that their access would be restricted. It is somewhat different with CRM management, although the Ohio Historic Preservation Office's newly developed GIS site database is currently available only to academic and CRM subscribers, giving at least the impression that the availability of such information is restricted. While the federal system regards site location information as confidential, the actual report data, other than locations, is public domain. The report's results, site descriptions, methods, analysis and interpretations are all public information, and if we wish to speak of "public outreach," making these reports more generally available would be an important step. "Archaeology Day," "Archaeology Week" or "Archaeology Month" alone doesn't quite cut it.

Barring increased access and less rigorous information control of what after all is

public information, we are left only with Tonetti's other two suggestions for improvement: "more opportunities for the public to participate in CRM archaeological research and greater contact with artifact collectors with knowledge of archaeological sites in project areas." This, I fear, will only be interpreted as the same old same old — show us your artifacts, tell us where you found them and we will let you volunteer to screen our dirt or wash our potsherds. In short, I think there is a very real basis for Converse resenting those aspects of CRM that he does, and Tonetti's response, unfortunately, only shovel skims the surface. It will take some deeper digging to uncover and rectify the problems inherent in CRM. Unfortunately, Tonetti's response does not help.

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Figure 1. (Murphy)
Number of CRM reports, publications resulting from CRM work, and substantive non-CRM publications, 1975-1985. Post-1985 data are comparable.

